

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SEARS, ROEBUCK AND CO.	:	CIVIL ACTION
	:	
v.	:	NO. 02-CV-3535
	:	
ONE BEACON INSURANCE GROUP	:	JURY TRIAL DEMANDED
	:	
and	:	
	:	
WINSTON FURNITURE COMPANY, INC.	:	

**ORDER**

AND NOW, this       day of       , 2003, upon consideration of plaintiff, Sears, Roebuck and Co.'s Motion to Compel and any response thereto, it is hereby ORDERED that said motion is GRANTED: Within twenty days of the date of this Order, defendant, Winston Furniture Company of Alabama, Inc. will provide full and complete answers, without objections, to the interrogatories and Request for Production of Documents of plaintiff, Sears, Roebuck and Co.

It is further Ordered that failure to timely comply with the terms of this Order shall result in sanctions, upon application to the Court.

BY THE COURT:

\_\_\_\_\_  
J.

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WINSTON FURNITURE COMPANY, INC.	:	

**MOTION TO COMPEL  
OF PLAINTIFF, SEARS, ROEBUCK AND CO.**

1. This is a civil action commenced by plaintiff, Sears, Roebuck and Co. against defendants, OneBeacon Insurance Group and Winston Furniture Company, Inc., sounding mainly in contract, and stemming from an underlying action currently pending in this Court, (Dockins v. Sears, Roebuck and Co., docketed at No. 98-CV-249).

2. On November 21, 2002, plaintiff served defendant, Winston Furniture Company, Inc. with Interrogatories and a Request for Production of Documents.

3. As of this date, defendant, Winston Furniture Company, Inc. has failed to provide any answers whatsoever to plaintiff's Interrogatories and Request for Production of Documents.

4. Absent defendant's discovery answers, plaintiff will be unduly prejudiced in preparing this case for trial.

WHEREFORE, plaintiff, Sears, Roebuck and Co. respectfully requests that the Court enter the attached Order.

**LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY**

BY: \_\_\_\_\_

Robert L. Sanzo, Esquire  
Attorneys for Plaintiff,  
Sears, Roebuck and Co.

Date:

659293

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and	:	
	:	
WINSTON FURNITURE COMPANY, INC.	:	

**CERTIFICATE OF COUNSEL**

Counsel for plaintiff, Sears, Roebuck and Co., certifies that after the reasonable efforts described in the within motion, the discovery dispute remains unresolved

**LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY**

BY: \_\_\_\_\_  
Robert L. Sarno, Esquire  
Attorneys for Plaintiff,  
Sears, Roebuck and Co.

Date:

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**CERTIFICATE OF SERVICE**

I, Robert L. Sanzo, Esquire, hereby certify that a true and correct copy of the *Motion to Compel of Plaintiff, Sears, Roebuck and Co.*, was served on \_\_\_\_\_ via U.S. regular mail, upon the following:

Fred Buck, Esquire  
RAWLE & HENDERSON  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107

and

Joseph P. Connor, III, Esquire  
CONNOR WEBER & OBERLIES  
171 West Lancaster Avenue  
Paoli, PA 19391

**LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY**

BY: \_\_\_\_\_

Robert L. Sanzo, Esquire  
Attorney for Plaintiff,  
Sears, Roebuck and Co.